Steve Minor

From: Timothy M. Barrett <viceregent@cox.net>
Sent: Friday, January 22, 2016 6:35 AM
To: Steve Minor
Subject: A More Efficient Path
Attachments: Letter to Minor - Attorney's Fees.docx

A letter for your consideration.

Tim

Mr. Timothy M. Barrett
415 Edgewood Drive
Sarver, Pennsylvania 16055
757-342-1671

January 22, 2016

VIA ELECTRONIC MAIL

Mr. Steven R. Minor, Esquire
110 Piedmont Avenue, Suite 300
Bristol, Virginia 24201

RE: *Timothy M. Barrett v. Valerie Jill Rhudy Minor*
Case Number: CJ13000454-00

FOR NEGOTIATION AND SETTLEMENT PURPOSES ONLY

Dear Mr. Minor:

When I started my own law firm, I quickly realized that I could not do two things at once. Thus, if I chose to pursue a given course of action, I was necessarily giving up every other course of action available to me. Economists call this the opportunity cost. This caused me to view my time as extremely valuable and be more cooperative with opposing counsel. Efficiency became as important to me as victory.

This was evidenced in how I conceded several issues at the end of our last hearing. After winning the custody order argument, I could have made you fight every other issue with a brief and a protracted hearing. I did have a few arguments on my side. But I figured why waste our time when it would be more efficient to settle the matter as far as the Circuit Court was concerned and just take the matter up again anew in the Juvenile Court. You made it clear that that was your thought as well, though your appeal indicates you have changed your position. Nevertheless, had I taken the difficult path, I would have wasted not only your time and the Court's time, but my own time. I choose not to for the benefit of us all. I hope you do not prove that was a mistake.

I write to you today with the hope that that choice was not a mistake, that the same cooperation you showed then, you will show now, keeping in mind the cost to you in terms of time and effort that you will be wasting in pursuing the fruitless attempts to get attorney's fees from me and your baseless appeal.

Concerning the attorney's fees issue, I will be filing a motion soon that seeks to declare all custody orders entered since the custody case was filed in the Grayson County Juvenile Court in May of 2011 declared void due to lack of subject matter jurisdiction. I am still waiting for two documents before it is filed. In essence, this motion will state that when I filed for custody in the Grayson Juvenile Court, jurisdiction over the custody of my children was still with the appellate courts, making any and every order that court entered void. Because one of the void orders will be the venue transfer order from the Grayson Juvenile Court to the Bristol Juvenile Court, everything done by any court in Bristol or based on the actions of any court in Bristol, including your mandate for attorney's fees, will be void.

Barring that, I will then move the Court to ignore the mandate as it is unlawful in many respects, not the least of which is that to punish me for exercising my rights to due process on the remand is patently unconstitutional. But because I would rather be efficient with my time (and yours), which is to say not draft and argue a brief on this topic (or make you do the same), I am asking you to choose the same and drop the attorney's fee issue.

Even assuming I lose these two issues, I will seek from you Discovery to establish not only your fees but their reasonableness. Judge Alexander has indicated he will allow me to do so. Though it is necessary to protect my rights, I, again, would rather not waste my time to draft this Discovery, your time to answer it and again my time to review those answers.

But if you force me to go through the Discovery process you will be required to do some work and still receive no remuneration for your time expended in providing me the answers. Why? As you know attorney's fees are based on the relative financial ability of the parties and your client's financial ability is infinitely greater than mine to pay the bill at this point in time as I have no income and no assets, which will again result in your having no attorney's fees.

Of course, this assumes you can otherwise justify your fees as reasonable. I have a few arguments up my sleeve to make that should greatly reduce, if not eliminate, those fees.

Finally, no matter the size of your award, unless it is *de minimis*, which is to say less than bankruptcy attorney would charge me to file for bankruptcy protection, I will file for bankruptcy and see any debt to you in this case (and any attorney's fees in the support case still to be litigated) discharged. As I have nothing to lose financially and everything to gain financially, bankruptcy will be my only choice. I will not object to your receiving the $500.00 from the bond, though if you force me into bankruptcy, the Bankruptcy Court will seize that money and likely the appeal bond in the support case. In other words, if you force me down this path, you will likely lose it all.

Is it worth it do you do to all that work to potentially force me into bankruptcy? I hope you would rather spend that same time with your wife, building your own law practice or simply relaxing involved in your favorite hobby. Indeed, you and your wife fight for custody of my children and then seemly do everything in your power to dedicate your time to other pursuits that take you away from the children.

The same analysis can be done with your appeal. If I am successful in my motion as to jurisdiction, your appeal will be moot, for it too follows the actions of the Bristol Juvenile Court when exclusive jurisdiction over this case is still in the Grayson Juvenile Court.

But more than that, you clearly implied that you would not appeal this case when we were negotiating the resolution of all of the cases that we did in the hall outside the Courtroom. I am offended that you are so easily going back on your word, making you a liar. This lack of character on your part will sure to be a focus of any case in which you are a witness.

As an aside, let us assume that you win the appeal, I still have all of my other motions to make that will have Judge Benson's order thrown out. You know the order is unconstitutional, as your Client has already admitted to the children. Your appeal will net you nothing. This means you are fighting this issue merely to harass me, which has implications with the Bar. Perhaps you are hoping to delay this case until William turns 18. Maybe you will succeed, but we have many visitations between now and then and your wife will be facing jail time on conviction number 3. That will happen before February, 2017, I assure you.

Putting that aside, do you really think your appeal will succeed when the law is so crystal clear on this subject? Did you not argue along these same lines in your successful case before the Court of Appeals from which you now seek attorney's fees? Would not the law of the case doctrine apply? Even if does not, your appeal is frivolous in light of the fact that the case law could not be more clear in this matter and you failed to properly preserve your objections.

You will also be hurting your client in two ways. You will not win on the civil suit that I have filed. I will use your actions against your wife to increase the value of my damages. Do you think a jury will look at you and your wife's actions in this regard as anything but vengeful to the point of hurting my children and even yourself? Captain Ahab loses, and loses huge, at the end of *Moby Dick*.

And every hour you work for your wife will be imputed to her as like kind income, reducing my support obligation going back to 2009.

Would it not be the wiser and the more economic course of action to drop the appeal, concede my motion on subject matter jurisdiction, file a Motion to Amend Custody and go from there? You all seem pretty confident in your victory as to custody of William. Why not try again in Grayson Juvenile Court *and put **all** of this behind you.*

Please understand that I do not write this letter to intimidate you or to convince you that I will win all or even any of the arguments I make. Rather, it is to impress upon you that if we continue down the path you have chosen, we will both have a lot of time-consuming work ahead of us that is unnecessary when you consider that there is another path that gets us to where we want with nowhere near the time and effort. Please take that path.

I ask that you let me know your position in this matter by return e-mail no later than 30 minutes before the telephone call to Judge Alexander. Should I not hear from you by that date and time, I will assume that it is your intention to press the issue of attorney's fees and the appeal and start working on my Discovery and arguments accordingly.

Sincerely,

Timothy M. Barrett

Steve Minor

From: Timothy M. Barrett <viceregent@cox.net>
Sent: Monday, June 27, 2016 6:41 AM
To: lcundiff@courts.state.va.us
Cc: Steve Minor
Subject: Re: Conference Call in Barrett v. Minor
Attachments: Statement of Facts.docx; Letter to Judge Alexander 15.docx

Judge Alexander:

As promised, I have drafted and attached to this e-mail an Amended Statement of Facts, which incorporated many of Mr. Minor's suggested revisions, though not all.

By courtesy copy of this document to Mr. Minor, I ask that he review it and eliminate as many issues as he can from the hearing today. In addition, by courtesy copy of this e-mail to Mr. Minor, I ask that he call me at 724-353-2603 and not my cell number as my cell service is terrible at my present location.

Finally, I attach a letter that I have written to you in which I state my reasons for objecting to Mr. Minor's notice to be heard on his Discovery, which I ask that you read and consider before today's hearing.

Tim

Mr. Timothy M. Barrett
415 Edgewood Drive
Sarver, PA 16055
(757) 342-1671

June 27, 2016

VIA ELECTRONIC MAIL

The Honorable William N. Alexander, II
Franklin Circuit Court
275 South Main Street
Rocky Mount, Virginia 24151

RE: *Timothy M. Barrett v. Valerie Jill Rhudy Minor*
Case Number: CJ13000454-00

Dear Judge Alexander:

I strongly object to this Court hearing Mr. Minor's Motion to Compel in this case on the day that it has set aside to consider only Mr. Minor's objections to my Statement of Facts in the other case.

Firstly, I was notified by the Court that tomorrow's hearing was designed only for the Court to consider the Statement of Facts in Case Number CL15000436, and not for any matter that the parties wish to file. While discussed in more detail below, I have filed several dispositive motions *in this case*, noticing them to be heard the morning of trial, which could have been scheduled for today. It is patently unfair to allow one party to proceed in another case while making the party who respected the Court's own allocation of its time to wait.

Secondly, Mr. Minor's filing is untimely. Even if the Court grants his Motion to Compel, equal protection demands that the Court give me the same 10 days to answer that it gave Mrs. Minor to answer my discovery in response to my Motion to Compel. Ten days from tomorrow is July 7, 2016, or the day *after* the hearing on the merits.

In addition, Mr. Minor's delays in moving forward on this issue have resulted in my inability to answer some of his questions as the documents sought or containing the information he seeks sought are in Virginia whereas I am in Pennsylvania.

In addition, as the Court knows there are serious issues pertaining to my invoking my 5th Amendment right against self-incrimination. These matters will take time to argue and require that both parties be able to present to the Court evidence and case law, which will require an in-person argument.

Finally, as to this issue of timing, as this issue does involving my 5th Amendment rights and given that it is my intention to sue you to either to enjoin you from violating my rights or enforcing any order entered in violation of my rights, I require a court reporter be at the hearing in which that issue is discussed. My attempts to contact my court reporter have been unsuccessful.

Fourthly, as mentioned above, I have multiple motions before the Court that will be dispositive, most of which having to do with sanctions for Mrs. Minor *and* Mr. Minor's failing to answer discovery you compelled to be answered. Indeed, Mr. Minor has failed to identify any witness she intends to call at trial and did not timely disclose her expert's opinions. Furthermore, given the facts already before the Court, this case is ripe for summary judgment in my favor. I should not be compelled to give to my ex-wife my financial information, even assuming her motion has merit after the assertion of my 5th Amendment rights, under such circumstances.

Fifthly, Mr. Minor noticed me only a few days ago with me having yet to receive the paper notice. In light of the fact that it has been so long since this issue was brought up, I assumed Mr. Minor had dropped it. This has left me no time to prepare in light of the fact that I have been busy with my appeal of your order in Case Number CL15000436. I am simply not prepared to go forward tomorrow.

Sixthly, I will not answer his questions no matter how the Court rules. I have a right against self-incrimination and a reasonable basis to conclude the Mr. Minor will use the information he gathers in this case to assist the Commonwealth's or U.S. attorney's case against me. Why else would he bring up the various criminal cases that he could be involved in. Indeed, as Mr. Minor has already established in his pleadings, the only attorney who will see any money out of this is his expert and my bankruptcy attorney, giving me nothing to lose by fighting what I see to be a winning issue. I beg you not to put me in a position where I have to choose between my right to liberty and my right to avoid self-incrimination.

We note that this delay and any consequence arising from this delay are the Minor's own fault. Mr. Minor has known of my objections to his discovery since I first answered it on February 25, 2016. It is unconscionable for an attorney to wait four months until a mere few days before trial to be moving to compel answers. Indeed, we had a hearing on May 9, 2016, in which Mr. Minor could have brought up this issue, but for whatever reason he did not. As this case, by its very nature, is designed to enrichen him, he should be the one caused to suffer the loss resulting from his own inaction.

Thank you for your consideration of this matter, and should we need to discuss it, please do not hesitate to call.

Sincerely,

Timothy M. Barrett

Enclosure
CC: Clerk of Court (via U.S. Mail)
Mr. Steven R. Minor, Esquire (Via E-Mail)

is going to stop. I'm not going to allow you to ask questions about anything that doesn't involve what we're talking about and that's the award of attorney's fees. You've made your proffer. There will be no more unless it involves what we're doing today. That's the setting of the attorney's fees that the court of appeals has remanded to this Court to be decided.

Mr. Minor?

MR. MINOR: Nothing further for this witness.

THE COURT: All right.

MR. MINOR: Call Mr. Barrett.

THE COURT: Mr. Barrett.

TIMOTHY BARRETT,

a witness called on behalf of the defendant was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. MINOR:

Q. How many cases have you had involving Mrs. Minor while this appeal was pending?

A. I do not know.

Q. Were there criminal cases in Rockbridge County?

MR. BARRETT: Your Honor, object to relevance. What is the relevance of these questions?

THE COURT: Answer the question.

THE WITNESS: Yes.

BY MR. MINOR:

Q. Did you cause those cases to be brought?

A. I did.

Q. Was there a federal court case?

A. There was.

Q. Were there a number of other cases in circuit court?

MR. BARRETT: Your Honor, may I have a continuing objection to this line of questioning? It really is irrelevant to the court of appeals --

THE COURT: You may. You may. Answer the question.

THE WITNESS: What was your question?

BY MR. MINOR:

Q. Were there a number of other cases before this circuit court?

A. A number of -- there were cases before the circuit court, yes.

Q. Were there cases before other circuit courts?

A. There is a case before another circuit court, yes.

Q. Would you agree that the number of cases that Ms. Barrett has -- Ms. Barrett -- Mrs. Minor has with you affects her ability to pay attorney's fees for this case?

A. She has no attorney's fees for this case. She herself testified.

Q. Do you have $10,000 on deposit with the Circuit Court for the City of Bristol?

A. No.

Q. Do you have any amount of money on deposit with the Circuit Court for the City of Bristol?

A. Yes.

Q. What is the amount?

A. I don't know.

Q. Is it more than $9,600?

A. I don't know what the status of it is. I know there's been pay outs out of that amount. I have no idea what the current balance is.

Q. Did it initially represent an arrearage of $9,600?

A. I don't remember the number.

Q. Did it initially represent an arrearage for child support which you have now paid?

MR. BARRETT: Your Honor, can we please have an objection? I mean, what does this have to do with attorney's fees?

THE COURT: Well, if you've got $10,000 or any money on deposit with another court it's relevant.

MR. BARRETT: But it's not because I don't have control over that money.

THE COURT: Well, it's still relevant whether it's there or not. It may be that if he is awarded that he can get that money. I don't know. But it's relevant.

THE WITNESS: What was your question?

BY MR. MINOR:

Q. The money on deposit with the clerk for the Circuit Court for the City of Bristol was originally for an arrearage of child support which you have now paid, is that true?

A. I cannot say off the top of my head.

Q. Did you pay an arrearage of child support in 2011?

A. Yes.

Q. Did that satisfy all the obligations you had from the beginning of time up until October 2010 for child support?

A. I do not recall.

Q. What is your current income?

A. I have no income.

THE COURT: Do what?

THE WITNESS: I have no income.

BY MR. MINOR:

Q. What assets do you own?

A. I have no assets. Although I do have, I guess, a bank account of $35 could be considered an asset.

Q. What do you do for money?

MR. BARRETT: Objection, Your Honor. In order for me to get into that I'd have to give away confidences. And we've already excluded spousal income from this case.

THE COURT: He asked you what you did for money. He's asking you how you live.

MR. BARRETT: Right. And the answer is my wife. And the problem is is that is excluded from evidence in this case. You've already excluded spousal -- financial information pertaining to spouses.

THE COURT: He's not asking you about your wife's financial information.

MR. BARRETT: Okay.

THE COURT: Go ahead.

BY MR. MINOR:

Q. Do you work for anyone?

A. I do not.

Q. Do you work for Black Knight Performance Engineering?

A. Oh, yes. But that's not a paid position. When you said work for I assumed you meant a paid position.

Q. Do you travel for your work?

A. Uh-huh, yes.

Q. Where have you been for your work?

A. Las Vegas for a trade show.

Q. Did you go there last year?

A. In '15, yes.

Q. Did you travel recreationally this year?
A. Yes.
Q. Where all have you been?
A. Oh, I don't remember.
Q. Did you go on two cruises this summer with your daughters?
A. I did.
Q. One each?
A. Yes.
Q. Did you go on any other cruises?
A. No.
Q. Have you been on any other travel outside of the country while this appeal was pending?
A. No.
Q. Did you --
A. Well, wait a minute. Back to 2011 I don't know, but not recently.
Q. I was just going back from January 2014 until now. Have you been on any cruises in 2014?
A. I cannot say. I honestly don't know. My wife keeps track of that stuff. I don't know.
THE COURT: You don't remember whether in the last 18 months you've been on a cruise?
THE WITNESS: I know the two I most recently went on. But, no sir, I don't. I do not keep track of

that information. My wife writes it down and so I get that out of my --

THE COURT: Do you have a problem with your memory?

THE WITNESS: No, sir. I just don't -- it's not -- Your Honor, I keep a lot of facts in my head and that's not one of them I deem necessary to keep in my head when I know my wife is keeping that information.

BY MR. MINOR:

Q. Have you been on any other recreational travel that you remember in the last two years?

A. I went to a football game in Cleveland, which is about two hours from Pittsburgh.

Q. Do you remember going to New York City?

A. Last two years. Yeah, that's possible.

Q. Did you go on a recreational trip to New York City with two of your children?

A. I did.

Q. Do you have any liabilities?

A. Yes.

Q. What are they?

A. I owe approximately $300,000 to the IRS. And I owe approximately $50,000 to the Commonwealth of Virginia.

Q. Are you talking about -- the debt to Virginia is that taxes or something else?

A. Taxes.
Q. Do you still own real estate in Virginia Beach?
A. That property was disposed of for me, I believe it was, in 2011, 2010. I'm not sure. It was during the financial meltdown.
Q. Why don't you work for wages now?
A. I have not been able to find a job.
Q. What is your educational background?
A. BSME, Virginia Tech, 1992.
MR. BARRETT: Your Honor, I'm going to object to this question because what relevance does it have as to my present financial ability? We're not here to impute income to me.
THE COURT: It's relevant as to what you may or may not be doing. Go ahead, answer.
THE WITNESS: I have a BSME and a JD.
BY MR. MINOR:
Q. Are you a licensed Virginia lawyer?
A. I am not.
Q. How did you -- were you a licensed Virginia lawyer?
A. I was.
Q. Have you made any attempt to get your license back?
A. No.
Q. Why not?
A. It's too expensive. And I don't believe in

engaging in futile things.
Q. Have you told your children where you expect to live in the next few years?
MR. BARRETT: Objection, speculation. It's irrelevant and it's speculation.
THE COURT: It's not speculation if you've told them where you expect to live.
MR. BARRETT: But what relevance does it have to my present financial ability?
THE COURT: It may have a lot of relevance. I don't know. It may. Go ahead, answer.
BY MR. MINOR:
Q. Have you told your children where you expect to live in the years ahead?
A. I have.
Q. What did you tell them?
MR. BARRETT: Same objection, Your Honor.
THE COURT: Answer the question.
THE WITNESS: Caribbean.
BY MR. MINOR:
Q. How do you expect to be able to live in the Caribbean?
A. Through the good graces of other people.
Q. How soon do you expect to live in the Caribbean?
A. I have no expectation of how soon I plan to live in

the Caribbean.
Q. What has to happen before you can live in the Caribbean?
A. My father-in-law pass away and then close out his estate.
Q. And that will allow you to live in the Caribbean?
A. It'll allow my wife to live in the Caribbean. And my wife has been gracious enough to say she'll take me with her.
Q. Thank you.
MR. BARRETT: Your Honor, right now I'm living off the good will of other people. I have no job.
MR. MINOR: I object. There's no questions pending.
THE COURT: Objection sustained.
MR. BARRETT: I'm testifying. I'm testifying on cross.
THE COURT: You're not testifying on cross.
MR. BARRETT: I'm not allowed to testify on cross?
THE COURT: Nobody's crossing.
MR. BARRETT: Well, I'm crossing myself.
THE COURT: You can testify.
MR. BARRETT: Okay.

CROSS EXAMINATION

MR. BARRETT: I am presently living off the good will of other people. I have no job. I have no assets. And it has been made clear to me that no fees of this matter will be paid to Mr. Minor leaving me out of the good will of others. And so I will have no choice but to file bankruptcy should this Court award anything more than de minimis, a de minimis award, which I define as over $500, which is what my bankruptcy attorney would charge me. Given my liabilities it is probably best that I file bankruptcy anyway.

THE COURT: All right, you may step down.

MR. MINOR: I have recross -- redirect.

REDIRECT EXAMINATION

BY MR. MINOR:

Q. Have you done any research as to whether or not attorney's fees that are awarded as sanctions for frivolous litigation are dischargeable in bankruptcy?

MR. BARRETT: Objection. My research, my legal opinion, is not relevant in this matter.

THE COURT: Have you done it?

MR. BARRETT: I have.

BY MR. MINOR:

Q. And would you agree that if they are nondischargeable then a bankruptcy will have no effect on the award in this case?

A. I do not buy the premise. I do not agree with your hypothetical. I think they will be discharged.

Q. Thank you.

THE COURT: All right, you may step down.

(Witness excused.)

MR. MINOR: That's our case.

THE COURT: All right. Mr. Minor, anything you'd like to say or do you want to just close?

MR. BARRETT: Well, I'd like to have an opportunity to present. First, I'd like to do a motion to strike.

THE COURT: All right. I'll overrule your motion to strike.

MR. BARRETT: Your Honor, Mr. Minor failed to put important documents into evidence. Concerning my first argument in favor of my motion to strike, according to the Virginia Supreme Court as cited by Mr. Minor his motion for appellate attorney's fees to determine the amount of attorney's fees to be awarded this Court must consider, among other things, the nature of the services rendered, the complexity of those services, the value of those services and the results obtained. To do this, given that this case is about the work Mr. Minor did on the appeal, this Court would necessarily have to see both his appellate brief and the court of appeals opinion. Yet Mr. Minor

Mr. Timothy M. Barrett
415 Edgewood Drive
Sarver, Pennsylvania 16055
(757) 342-1671
ViceRegent@cox.net

RECEIVED
JAN 20 2017
Elliott Lawson & Minor, P.C.

January 20, 2017

The Honorable William N. Alexander II
Franklin Circuit Court
275 South Main Street
Rocky Mount, Virginia 24151

RE: *Timothy M. Barrett v. Valerie Jill Rhudy Minor*
Case Number: CJ13000454-00

Dear Judge Alexander:

In response to Mr. Minor's letter of January 16, 2017, please be advised that I oppose his motion and that I insist that the Court recognize my absolute Constitutional right to notice and a reasonable opportunity to be heard by an impartial tribunal before my property may be taken from me.

Please be advised, however, that I have retained the Thompson Law Group, PC, to file a bankruptcy petition with the U.S. Bankruptcy Court should the Court of Appeals affirm your attorney's fee sanction in this matter.

As to that appeal, all briefs are done and I anticipate either the scheduling of oral arguments or perhaps a decision in that case in the near future. I inform you of this fact with the hope of discouraging you from scheduling a hearing on this matter.

I am content to wait to file bankruptcy pending the outcome of the appeal before the Court of Appeals, for if that Court agrees with me, no bankruptcy will be necessary and the appeal bond in the child support matter can be used to pay any child support arrears, which would be my preference as that directly benefits the children. If the Court of Appeals disagrees with me, I will immediately file bankruptcy and the U.S. Bankruptcy Court will assume control over the bond. In other words, no matter whether the Court of Appeals agrees with me or whether I file bankruptcy, any hearing you schedule in this matter will be made irrelevant.

However, should you schedule a hearing before the Court of Appeals rules, you will force me to file bankruptcy now, imposing on Mrs. Minor and this Court the automatic stay provisions of 11 U.S.C. §362. In case you are unaware, this federal bankruptcy code section, which preempts all state laws, proscribes any court or any creditor of Mr. Barrett from taking an action that impacts or concerns any debt without leave of the U.S. Bankruptcy Court. Thus, any hearing you schedule would be stayed pending leave of court or entry of the final order of the U.S. Bankruptcy Court. In other words, any hearing you scheduled would be moot.

Therefore, I ask that you stay any hearing in your Court on Mrs. Minor's motion on your own initiative until such time as the Court of Appeals of Virginia has made its ruling, which by nature of a ruling in my favor will make Mrs. Minor's motion moot or which by nature of a ruling against me will result in my filing bankruptcy, again making Mrs. Minor's motion moot.

In doing so, this Court will save itself and the parties copious amounts of time and effort in preparing for a hearing that will never take place.

Thank you so very much to your kind attention to this matter.

Sincerely,

[signature]

Enclosure

CC: Clerk of Court, 497 Cumberland Road, Bristol, Virginia 24201
Mr. Steven R. Minor, Esquire, 110 Piedmont Avenue, Suite 300, Bristol, Virginia 24201
Ms. Amelia B. Waller, Esquire, 190 Patton Street, N.W., Abington, Virginia 24210

Steve Minor

From: Timothy M. Barrett <viceregent@cox.net>
Sent: Friday, January 27, 2017 7:23 AM
To: lcundiff@courts.state.va.us
Cc: Steve Minor
Subject: Letters on Barrett v. Minor
Attachments: Letter to Alexander 20.docx; Letter to Alexander 21.docx

Judge Alexander:

Please find attached two letters responding to Mr. Minor's letters from yesterday.

Now that Mr. Minor has give us his dates, can we schedule this conference call on Tuesday, January 31, 2017, at 9:00 a.m. Please advise.

And please do remember that I lack the technical ability to do a three-way call. Therefore, I ask that you please ask Ms. Cundiff if she would be so kind to do so, calling me on my land line at 724-353-2603?

Thank you.

TIm

Mr. Timothy M. Barrett
415 Edgewood Drive
Sarver, Pennsylvania 16055
(757) 342-1671
ViceRegent@cox.net

January 27, 2017

VIA ELECTRONIC MAIL

The Honorable William N. Alexander II
Franklin Circuit Court
275 South Main Street
Rocky Mount, Virginia 24151

RE: *Timothy M. Barrett v. Valerie Jill Rhudy Minor*
Case Number: CJ13000454

Dear Judge Alexander:

Only a brief reply to Mr. Minor's January 27, 2017, letter is necessary. The reason we are asking this Court to delay is simply judicial economy, for both this Court, the U.S. Bankruptcy Court and for the parties. Obviously, if the Court of Appeals reverses your attorney's fee award, neither a hearing in your Court or the U.S. Bankruptcy Court will be necessary. Given the weak and poorly supported response Mr. Minor offered in his Opening Brief before the Court of Appeals, I am surprised he expresses such confidence in the outcome of the appeal. Be that as it may, it is pointless to schedule a hearing that will not take place. I know this because I control when I file my bankruptcy position and when the stay taxes effect.

Now, Mr. Minor may wish to argue in the U.S. Bankruptcy Court that your attorney's fee award in this case is a domestic support order, but that is for the U.S. Bankruptcy Court to decide when and if a case is filed there. It is not within your jurisdiction to decided.

All you need to know for purposes of evaluating my request that you not schedule a hearing in this matter is that until a case is filled in U.S. Bankruptcy Court and until Mr. Minor convinces a U.S. Bankruptcy judge that this award was a "domestic support obligation", to which I wish him the best of luck, it remains a waste of judicial resources for the hearing to be held now. Why Mr. Minor is chomping at the bit to do an incredible amount of work for which he has so little chance of success is beyond me. But while he is free to waste his own time, he is not free to waste the Courts' time.

And all this presumes he is entitled to the invade the funds set aside for my children from the still very active child support case when that is highly doubtful. While it is true I lost the appeal as to your decision that you lacked jurisdiction over the support case, being in Bristol and not Grayson County, the Court of Appeals was abundantly clear that the Grayson County Circuit Court retains justification and must carry out its mandate to decided child support and contempt anew. Given this, only the Grayson Court can decided what do to with that money. In fact, I think its prior order in regard to the bond reserves any decision on the bond to after the outcome of the support case. As that order was not appealed by Mrs. Minor, that is the law of the case. But in any case, when this Court denied it had jurisdiction over the child support case, it denied it had jurisdiction to decide the child support appeal bond. Only Grayson County can affect that bond.

We ask this Court to do is exercise patience by doing nothing, especially since a delay actually benefits Mrs. Minor in saving her needless time and attorney fees, not prejudices her in the slightest. The Court of Appeals will decide the award issue in due course and in short order; the U.S. Bankrupcy Court, if it is necessary to file a case there, will decide the issues before it; and the Grayson County Circuit Court will decide the child support issue and the bond by the end of the current year. These issues will be taken care of even if this Court does nothing. For that reason, we ask that this Court do nothing.

Thank you so much for your consideration of these issues.

Sincerely,

Timothy M. Barrett

CC: Clerk of the Court (Via U.S. Mail)
Mr. Steven R. Minor, Esquire (Via E-Mail)

Steve Minor

From: Timothy M. Barrett <viceregent@cox.net>
Sent: Tuesday, February 07, 2017 11:01 AM
To: lcundiff@courts.state.va.us
Cc: Steve Minor
Subject: Hearing on February 22, 2017
Attachments: COA Opinion in 1613-14-3.pdf; Nov 9, 2012 Appeal Bond Orders.pdf; Mr. Minor's Aug 12, 2012 Motion.pdf; Excerpt from Mr. Minor Motion to Dismiss in 476.pdf; Letter to Alexander 24.docx

Ms. Cundiff:

Would you be so kind as to make sure Judge Alexander gets the following attached documents?

Thank you.

Tim

Mr. Timothy M. Barrett
415 Edgewood Drive
Sarver, Pennsylvania 16055
(757) 342-1671
ViceRegent@cox.net

February 7, 2017

VIA ELECTRONIC MAIL

The Honorable William N. Alexander II
Franklin Circuit Court
275 South Main Street
Rocky Mount, Virginia 24151

RE: *Timothy M. Barrett v. Valerie Jill Rhudy Minor*
Case Number: CJ15000476

Dear Judge Alexander:

Now that the Court has set Mr. Minor's motion to enforce the attorney's fee judgment for a February 22, 2017, hearing, I thought that I might respond, at least in part. My hope in doing so is that the Court will deny Mr. Minor's motion prior to the hearing or stay the matter pending the outcome of the Grayson County Circuit Court's entry of its final judgment in the child support/contempt cases it is mandated by the Court of Appeals to rule upon.

In reading Mr. Minor's Motion, I am struck by the Yiddish proverb that "a partial truth is a whole lie." While I do not address the legal arguments raised by Mr. Minor with this letter, his factual claims appear to be true. But he has disclosed only those facts that support his position and ignored those that do not.

Specifically, Mr. Minor failed to disclose to this Court that he already made a similar argument in Court of Appeals and the Grayson County Circuit Court to enforce the appeal bond, making many of these same arguments, all of which he lost. Before getting to the outcome of those arguments, I want to make sure the Court is aware of the procedural posture of the child support/contempt matters.

As you know, on June 22, 2010, Judge Gesiler of the Grayson County Circuit Court entered a child support order (Case Number CJ09-03) and a separate contempt order (Case Number CJ09-04) that I appealed to the Court of Appeals of Virginia. In both *Barrett v. Commonwealth*, Record Number 1382-10-3 (Ct. of App. 07/26/2011) and *Barrett v. Commonwealth*, Record Number 1381-10-3 (Ct. of App. 7/26/2011), the Court of Appeals found error on the part of Judge Geisler, reversed his ruling and remanded both the support and contempt case for further proceedings.

It was during these further proceedings that Judge Gibb of the Grayson County Circuit Court transferred venue to the Bristol Circuit Court, beginning your involvement in this matter. In due course, you ruled in Case Numbers CJ13000420 and 421 that your Court had no jurisdiction to decide these matters and dismissed them. That decision was appealed to the Court of Appeals. While the Court of Appeals affirmed your dismissing of these cases with *Barrett v. Commonwealth*, Record Numbers 1613-14-3 &

1614-14-3 (Ct. of App. 05/19/2015), it reiterated that the Grayson County Circuit must still follow the mandate from the earlier appeal and decide ***all issues*** pertaining to child support and contempt.

But more importantly, and here we have our first omission of fact by Mr. Minor, Mr. Minor assigned an error to your failure to disburse the appeal bond in the support/contempt case and the Court of Appeals affirmed your decision not to disburse in 1613-14-3 & 1614-14-3. In fact, the Court of Appeals ruled that its mandate in Record Numbers 1381-10-3 & 1382-10-3 is such that ***only*** the Grayson County Circuit Court had the authority to disburse the appeal bond.

We invite the Court to review the Court of Appeals' opinion in *Barrett v. Commonwealth*, Record Numbers 1613-14-3 & 1614-14-3 (Ct. of App. 05/19/2015), pages 17-18, including Footnote 7, to see that only the Grayson County Circuit Court can disburse the appeal bond, a copy of which is attached.

This is confirmed by the orders entered by Judge Gibb of the Grayson County Circuit Court on November 9, 2012, in Case Numbers CJ09-03 & CJ09-04, copies of which are attached, which are based on an August 10, 2012, telephone hearing. In those cases at that time, Mr. Minor also argued that Mrs. Minor was entitled to the appeal bond, the second inconvenient fact that Mr. Minor failed to disclose in his motion. But Judge Gibb disagreed, ordering that the appeal bond was not to be disbursed until further order of the Grayson County Circuit Court. In fact, the order expressly states that the appeal bond was to be held to cover the fact that I was not paying support, which implies it was held to cover any arrears to be found when the support/contempt case is finally heard.

This is not just my opinion, but it is also the opinion of Mr. Minor himself. On August 12, 2012, Mr. Minor filed the attached Motion to Reconsider on Motion on Appeal Bond. In that motion on page 1, Mr. Minor summarized Judge Gibb's ruling: …to keep the part of the appeal bond for the enforcement of the contempt judgment."

Neither the opinion of the Court of Appeals that this Court had no authority to disburse the appeal bonds and that only the Grayson County Circuit Court did nor the order of the Grayson County Circuit Court that the appeal bond could only be disbursed on an order by it was appealed by Mr. Minor, making them the law of case, binding not only the parties, but this Court. See *Miller-Jenkins v. Miller-Jenkins,* 276 Va. 19 (2008).

Because the law of the case as between the two parties and this money is that this money is already spoken for as to who can disburse it and for what and when it can be disbursed, there is nothing for this Court to decide. Had Mr. Minor fully disclosed the facts, this Court would likely have not set the hearing for his present motion for February 22, 2017. Nevertheless, based on the full set of facts, we ask this Court to enter judgment denying Mr. Minor's present Motion and strike the case from the docket on February 22, 2016.

Barring that, we respectfully demand that this Court stay this matter pending a ruling by the Grayson County Circuit Court as to this disposition of these funds, for a stay is appropriate when there are two cases involving the same parities where the outcome of one will impact the outcome of the other. You will note that this is the same relief Mr. Minor requested in paragraph 6 in his Motion to Dismiss, Demurrer and Motion for Sanctions in Case Number CL15000436-00, a except of which is attached. In light of the fact that I cannot articulate the legal basis for the stay better than Mr. Minor and he is judicially estopped from arguing to the contrary, I adopt his argument as my own.

I beg the Court to consider that in all likelihood Mrs. Minor will be paid the appeal bond at the end of the child support/contempt case and my forthcoming bankruptcy will preclude the Court for taking any action on the appeal bond anyway, I ask this Court to bind itself by the law of this case and deny Mr. Minor's Motion or stay this case.

Thank you so much for your consideration of these issues.

Sincerely,

Timothy M. Barrett

CC: Clerk of the Court (via U.S. Mail)
Mr. Steven R. Minor, Esquire (Via E-Mail)

Steve Minor

From:	Timothy M. Barrett <viceregent@cox.net>
Sent:	Tuesday, February 14, 2017 7:28 AM
To:	lcundiff@courts.state.va.us
Cc:	Steve Minor
Subject:	Mr. Minor's Enforcement Motion
Attachments:	Letter to Alexander 25.docx

Ms. Cundiff:

Will you please pass the attached letter onto Judge Alexander, asking him to respond as soon as he is able.

Thank you.

Tim

Mr. Timothy M. Barrett
415 Edgewood Drive
Sarver, Pennsylvania 16055
(757) 342-1671
ViceRegent@cox.net

February 14, 2017

VIA ELECTRONIC MAIL

The Honorable William N. Alexander II
Franklin Circuit Court
275 South Main Street
Rocky Mount, Virginia 24151

RE: *Timothy M. Barrett v. Valerie Jill Rhudy Minor*
Case Number: CJ15000476

Dear Judge Alexander:

At this point in this long journey, the Court has undoubtedly become used to the parties voluminous responses to each other's pleadings and letters. I know I have come to expect Mr. Minor to rapidly respond to anything that I have written with a colorable, if not deceptive, response.

Given this, to my surprise, he did not respond to my letter of seven days ago in which I pointed out that the child support appeal bond has not been "orphaned" as described by Mr. Minor at all, but is merely awaiting the Grayson County Circuit Court to exercise its, and only its, legal authority as recognized by the Court of Appeals to dispense the money when and how it sees fit.

Perhaps Mr. Minor is still in shock at how easily his lie that the telephone visitation did not continue past the entry of the 2012 custody order was exposed by a simple reading of the 2012 custody order and its companion opinion letter. Perhaps he has no way to cleverly further his lie that the money was "orphaned" when, in fact, it is clearly spoken for by the Grayson County Circuit Court and the Court of Appeals.

Whatever the case may be, Mr. Minor's failure to respond under circumstances where a response would come and usually come quickly allows the Court to infer that he can dispute neither the facts nor the law of the case as I presented it to this Court.

Given that the parties appear to be in agreement with the Grayson County Circuit Court and the Court of Appeals that only the Grayson County Circuit Court can dispense the money associated with the child support appeal bond, I ask that you please enter an order denying Mr. Minor's motion and cancel the hearing set for February 22, 2017.

Regardless of your decision, I ask that you please let the parties know no later than February 19, 2017, as my bankruptcy attorney will be filing on February 20, 2017, if he does not hear from me that your hearing has been canceled.

Thank you so much for your consideration of these issues.

Sincerely,

Timothy M. Barrett

CC: Clerk of the Court (via U.S. Mail)
Mr. Steven R. Minor, Esquire (Via E-Mail)